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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

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*I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on November 7, 2008 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.*

  
Christine Sherwood

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Application Number :	10/660,452	Confirmation No. 4918
Filing Date :	September 11, 2003	
Inventor(s) :	Biedermann, Lutz	
Title :	INVERTEBRAL DISK PROSTHESIS	
Group Art Unit :	3738	
Examiner Name :	David H. Willse	
Docket No.	58779/B884	Date: November 7, 2008

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### MAIL TO: Mail Stop RCE

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:

a.  Pending (no review proceedings active)

(1)  An Action was mailed by the Office on June 2, 2008, as to which no appeal under 37 CFR § 1.191 has been filed and

a response under 37 CFR § 1.116 was mailed on August 4, 2008  
 via Express Mail

that Action was a Final Rejection, the finality of which is to be withdrawn by this Request

an appeal or civil action under 35 U.S.C. 141,145 or 146 has been terminated

(2)  Allowed: the Notice of Allowance was mailed by the Office on  
 the Issue Fee has not been paid

the Issue Fee has been paid **and** a petition under 37 CFR § 1.313 was granted on

b.  Pending (with review proceeding active)

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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**Application No. 10/660,452**

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An appeal under 37 CFR § 1.191 has been filed. Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.

**2. SUBMISSION(S) REQUIRED (check at least one)**

a. Previously submitted

Consider the amendments/reply under 37 CFR § 1.116 previously filed on  
 Consider the arguments in the Appeal or Reply Brief previously filed on  
 Other:

b. Enclosed

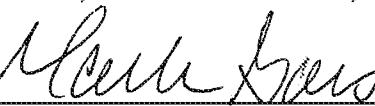
Amendment/Reply  
 Affidavit(s)/Declaration(s)  
 Information Disclosure Statement  
 Documents under 37 CFR § 1.48  
 Petition for Extension of Time  
 Other:

Please direct all correspondence to **CUSTOMER NUMBER 23363**. Direct telephone calls to 626/795-9900, **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

  
Mark Garscia  
Reg. No. 31,953  
626/795-9900

MEG/cks

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
FEE CALCULATION SHEET**

Application No. 10/660,452

**PART I — BASIC FEE**

BASIC FEE	Small Entity \$405.00	Large Entity \$810.00	\$810.00
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**PART II — ADDITIONAL CLAIMS (compared to application before RCE)**

	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims	12+8	27+16	0	x \$26.00	x \$52.00	0
Independent Claims	2	4	0	x \$110.00	x \$220.00	0
First Presentation of Multiple Dependent Claim				\$195.00	\$390.00	
<b>TOTAL CLAIMS FEE</b>						<b>\$810.00</b>
List Independent Claims: 7 and 15						
* IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE.						
** IF THE HIGHEST NUMBER PREVIOUSLY PAID FOR IS 3 OR LESS, WRITE "3" IN THIS SPACE.						

1. FEES (*The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.*)
  - a. Amount (total from Fee Calculation Sheet)  
Please deduct \$810 from Deposit Account No. 03-1728 to cover the fees calculated above.
  - b. X The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. A duplicate copy hereof is enclosed.

CKS PAS822583.1-\*11/7/08 2:21 PM